

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

20009.0241US01 (Bell0018/99208)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on February 13, 2006

Signature

Typed or printed name Jeramie J. Keys

Application Number

09/650,504

Filed

August 29, 2000

First Named Inventor

Link II

Art Unit

2683

Examiner

Ferguson

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒

attorney or agent of record. 42,724  
Registration number

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Signature

Jeramie J. Keys

Typed or printed name

678-565-4748

Telephone number

February 13, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐

\*Total of forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Serial No. 09/650,504

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Link	Examiner:	Ferguson
Serial No.:	09/650,504	Group Art Unit:	2683
Filed:	August 29, 2000	Docket No.:	20009.0241US01 (BS99-208)
		Formerly:	BELL-0018/99208

Title: ROAMING VIRTUAL LONG DISTANCE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 13, 2006.

By:   
Name: Jeramie J. Keys

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In conjunction with a Notice of Appeal, reconsideration and allowance of the application is respectfully requested for at least the following reasons. The Notice of Appeal is being filed in response to a final Office Action mailed on August 12, 2005 as well as an second Advisory Action mailed on January 24, 2006. The period for response has been extended by the concurrently filed Petition.

According to exemplary embodiments, a mobile phone user roaming in a foreign market network makes a call to a desired number that is normally a toll call when roaming. The foreign market network provides the destination number to be called to the home market network of the caller. Then, rather than simply returning a confirmation to

complete the call as dialed, the home market network returns a toll free number to the foreign market network. The foreign market then attempts to complete the call to the toll-free number instead of directly to the desired number. The attempt is received in a network that converts the toll free number to the destination number called by the mobile phone user, and because the foreign network ultimately placed the call to the toll free number instead of directly to the desired number, any costs that would have been incurred through completion by the foreign network directly to the desired number are avoided.

According to other exemplary embodiments, the mobile phone detects its roaming status and upon receiving the dialed desired number by the user, the mobile phone places a call to a toll free number to a home network and then provides the desired number to the home network. The home network then connects the call to the desired number to thereby avoid the foreign market directly placing the call to the desired number such that any costs that would have been incurred through completion by the foreign network directly to the desired number are avoided.

**1. Lehmacher in view of Spradlin does not receive a call request based on said predetermined toll free number from said foreign market provider**

In relation to claim 1, this claim recites receiving a call request based on said predetermined toll free number from said foreign market provider. The Advisory Action has taken the position that in Lehmacher the EX1 receiving the LFN covers the element of providing a predetermined toll-free number to said foreign market provider. While Applicants note that EX1 is in the home market KN2, rather than the foreign market KN1, figure 2 does appear to shown the LFN going to EX2 which is in the foreign market KN1. However, giving the Lemacher reference the benefit of the doubt regarding providing the toll free number to the foreign market, once that LFN reaches the KN1, there is no disclosure of receiving a call request based on the predetermined toll free number from the foreign market provider.

The Lehmacher reference is directed to providing the caller with a universal toll

free number to use when roaming in one country where the home market is in another country and where the toll free numbers of each country are not the same, i.e., 800 is toll free in the U.S. but not in Germany but the universal number acts as a toll free number in both countries. So, with the objective being making a toll free call to a number in the roaming network, the user dials the universal number which is directed to the home market KN2 which then provides back a number that is toll free in the foreign market. The call can then be completed within the foreign market using the LFN that is a valid toll free number of the foreign market. Because the LFN is a valid toll free number of the foreign market, the foreign market is terminating the call as opposed to then having another network receive a call request from the foreign market based on that LFN. Attention must also be paid to the fact that the universal toll free number or IFN being received by KN2 from KN1 cannot be equated to these claim recitations because the predetermined toll free number of these recitations is one that has been provided to the foreign market in response to receiving a customer validation request from the foreign market. The IFN is certainly not such a predetermined toll free number since it is simply the number that the user of the mobile phone has initially dialed while in the foreign market KN1. Neither Spradlin nor the other secondary references accounts for such deficiencies.

At least for these reasons, claim 1 and its dependents are allowable.

**2. Lehmacher in view of Spradlin fails to disclose that a customer validation request includes the desired telephone number.**

In relation to claim 2 as well as claims 13 and 22, the claims recite that a customer validation request includes the desired telephone number. A complete reading of claims 2 and 13, including their base claims, shows that the customer validation request is what is sent by the foreign market provider elsewhere, such as to the home market, in order to have the predetermined toll free number returned to the foreign market for subsequent placement of a toll free call rather than calling the desired number directly from the foreign network. Furthermore, it is evident in claims 2, 13 and 22 that after the foreign market makes the call to the predetermined toll free number that has been received by it,

that the received request for the call to the predetermined toll free number results in this predetermined toll free number being converted back to the desired number that the call validation request initially included. As recited in claim 22, directing a toll-free call request from said foreign market to said desired telephone number....

In Lehmacher, there is no inclusion of a desired number in a validation request from the foreign network. The only communication from the foreign network is the IFN, which is the universal toll free number that the user has dialed on his or her mobile phone while in the foreign market KN1. The foreign market receives the LFN and may very well convert the LFN, which is a local toll free number of the foreign market, to a normal number of the foreign market to ultimately complete the call to that normal number. However, at no time has that normal number ever been included in a validation request from the foreign market. The user has never dialed it since the user dials the IFN instead. Thus, there is no inclusion of a desired number in a validation request where that call is ultimately directed to that same desired number. Neither Spradlin nor the other secondary references accounts for such deficiencies.

At least for these reasons, claims 2, 13, and 22 are allowable.

**3. Lehmacher in view of Spradlin fails to disclose a wireless phone that transmits a call request based on a desired destination telephone number to a toll-free telephone number.**

In relation to claim 18, this claim recites that a wireless telephone device comprises a computer readable medium that has computer-executable instructions for determining whether the wireless phone is out of the home market, receiving a desired destination number, and then transmitting a call request based on the desired destination number to a toll-free telephone number. Reading the claim such that the desired destination number and the toll-free telephone number are the same number is improper. This is the case because different terms were used, destination number verses toll-free number, and because it is further recited in the claim that the destination number is a toll-based call with respect to the out-of-market customer such that reading a destination number to be a toll-free number is contradictory.

Lehmacher merely discloses the wireless phone placing a call to an IFN or universal toll free number dialed by the caller. There is no disclosure whatsoever that the wireless phone places a call to a toll-free number on the basis of having received a desired destination telephone number. The wireless phone places the call to the IFN on the basis of having received the IFN itself. Furthermore, the IFN is toll-free such that it cannot be a destination number as recited in claim 18 because it the IFN is NOT a toll-based call with respect to the out-of-market customer. Neither Spradlin nor the other secondary references accounts for such deficiencies.

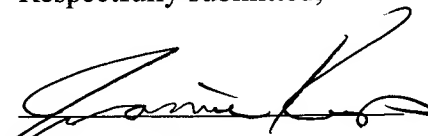
Additionally, regarding claim 19, it is further stated that the desired number is transmitted with the call request to the toll-free number. This is further indicative that the desired number and the toll-free number are different. As Lehmacher only provides for the IFN, there is no disclosure in Lehmacher that a destination number is transmitted by the wireless device in addition to the IFN. Neither Spradlin nor the other secondary references accounts for such deficiencies.

At least for these reasons, claim 18 and its dependents, particularly claim 19, are allowable.

Applicants assert that claims 1-7, 13, and 18-22 are in condition for allowance subject to minor amendments to claim 13 to have it be written in independent form. Applicants request that the §103 rejections to these claims be withdrawn based on the remarks above and further request that an indication of allowable subject matter be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due beyond the fee for the Notice of Appeal and the fee for the extension of time. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

  
Jeramie J. Keys  
Reg. No. 42,724

Date: February 13, 2006

Withers & Keys, LLC  
P.O. Box 71355  
Marietta, Ga 30007-1355  
(404) 849.2093